

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

10 CV 2929

PLAINTIFFS

Iron Workers Local No. 25 Pension Fund, Indiana Laborers Pension Fund, & Iron Workers District Council of Western New York and Vicinity Pension Fund, et al., Appellants
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

John H. Genovese, Esq. and Robert F. Elgidely, Esq.
Genovese, Joblove & Battista, P.A., 100 S.E. 2nd Street, Suite 4400, Miami, FL 33131 Telephone: (305) 340-2300

DEFENDANTS

Charter Communications, Inc., et al., Appellee

ATTORNEYS (IF KNOWN)

Paul Basta, Esq. and Daniel Donovan, Esq., Kirkland & Ellis, LLP, 601 Lexington Avenue, New York, NY 10022, Telephone: (212) 446-4800

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy Appeal - Order Denying Motion For Limited Rehearing [Dkt. No. 1133].

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned Judge Denny Chin

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT		PERSONAL INJURY		PROPERTY RIGHTS		LABOR	
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL 28 USC 158	<input type="checkbox"/> 820 OTHER FOOD & DRUG	<input type="checkbox"/> 400 STATE REAPPORTIONMENT	<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 620 OTHER FOOD & DRUG	<input type="checkbox"/> 423 WITHDRAWAL 28 USC 157	<input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY	<input type="checkbox"/> 410 ANTITRUST	<input type="checkbox"/> 720 LABOR/MGMT RELATIONS
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 630 LIQUOR LAWS	SOCIAL SECURITY		<input type="checkbox"/> 430 BANKS & BANKING	<input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 440 COMMERCE	<input type="checkbox"/> 740 RAILWAY LABOR ACT
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 650 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 660 OTHER	<input type="checkbox"/> 450 DEPORTATION	<input type="checkbox"/> 750 OTHER LABOR LITIGATION
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 840 TRADEMARK	FEDERAL TAX SUITS		<input type="checkbox"/> 760 EMPL RET INC SECURITY ACT
<input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR		<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 460 CONSUMER CREDIT	<input type="checkbox"/> 770 LABOR STANDARDS ACT
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY		<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	<input type="checkbox"/> 720 LABOR/MGMT RELATIONS
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<input type="checkbox"/> 360 OTHER PERSONAL INJURY		<input type="checkbox"/> 720 LABOR/MGMT RELATIONS	<input type="checkbox"/> 863 DIWC/DWW (405(g))	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 480 CABLE/SATELLITE TV	<input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT
<input type="checkbox"/> 190 OTHER CONTRACT			<input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 850 SOCIAL SECURITY	<input type="checkbox"/> 490 SELECTIVE SERVICE	<input type="checkbox"/> 740 RAILWAY LABOR ACT
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY			<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 500 SECURITIES/COMMODITIES/EXCHANGE	<input type="checkbox"/> 750 OTHER LABOR LITIGATION
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> 750 OTHER LABOR LITIGATION		<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 510 CUSTOMER CHALLENGE 12 USC 3410	<input type="checkbox"/> 760 EMPL RET INC SECURITY ACT
REAL PROPERTY		PRISONER PETITIONS		LABOR		<input type="checkbox"/> 520 AGRICULTURAL ACTS	<input type="checkbox"/> 770 LABOR STANDARDS ACT
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 20 USC 2255	<input type="checkbox"/> 770 LABOR STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DWW (405(g))	<input type="checkbox"/> 780 OTHER LABOR LITIGATION	<input type="checkbox"/> 530 ECONOMIC STABILIZATION ACT	<input type="checkbox"/> 780 OTHER LABOR LITIGATION
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 780 OTHER LABOR LITIGATION	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 791 EMPL RET INC SECURITY ACT	<input type="checkbox"/> 540 ENVIRONMENTAL MATTERS	<input type="checkbox"/> 790 OTHER LABOR LITIGATION
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING/ACCOMMODATIONS	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 791 EMPL RET INC SECURITY ACT	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 550 ENERGY ALLOCATION ACT	<input type="checkbox"/> 790 OTHER LABOR LITIGATION
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 790 OTHER LABOR LITIGATION		<input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 560 FREEDOM OF INFORMATION ACT	<input type="checkbox"/> 790 OTHER LABOR LITIGATION
<input type="checkbox"/> 245 TORT PRODUCT LIABILITY	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 790 OTHER LABOR LITIGATION		<input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 570 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	<input type="checkbox"/> 790 OTHER LABOR LITIGATION
<input type="checkbox"/> 290 ALL OTHER REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> 790 OTHER LABOR LITIGATION		<input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609	<input type="checkbox"/> 580 CONSTITUTIONALITY OF STATE STATUTES	<input type="checkbox"/> 790 OTHER LABOR LITIGATION
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS		<input type="checkbox"/> 790 OTHER LABOR LITIGATION		<input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609		<input type="checkbox"/> 790 OTHER LABOR LITIGATION

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____

JUDGE Denny Chin

DOCKET NUMBER 09-cv-10506

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN 'x' IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN 'x' IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Indiana Laborers Pension Fund, 413 Swan Street, Terre Haute, IN 47807 (Vigo County)
Iron Workers Local No. 25 Pension Fund, P.O. Box 965, 25150 Trans X Drive, Novi, MI 48376-0965 (Oakland County)
Iron Workers District Council of Western New York and Vicinity Pension Fund, 3445 Winton Place, Rochester, NY 14623-2950 (Monroe County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Charter Communications, Inc.
12405 Powerscourt Drive, Suite 100
St. Louis, MO 63131-3660
St. Louis County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:
(DO NOT check either box if this a PRISONER PETITION.)

☐ WHITE PLAINS

☒ MANHATTAN

DATE

4/5/2010

SIGNATURE OF ATTORNEY OF RECORD

Robert F. Kelly

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO ☒ YES (DATE ADMITTED Mo. 11 Yr. 2007)
Attorney Bar Code #RE-0512

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J. Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)